

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN MESSINGER,	:	ECF
Plaintiff,	:	13 Civ. 2444 (AJN)(MHD)
- against -	:	<b>NOTICE OF MOTION TO</b>
JPMORGAN CHASE BANK, N.A.,	:	<b>DISMISS PURSUANT TO</b>
Defendant.	:	<b><u>FED. R.CIV. P. 12(b)(6)</u></b>

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PLEASE TAKE NOTICE that, upon the Complaint, filed April 11, 2013, the Declaration of Frederic L. Lieberman, executed May 3, 2013, the accompanying memorandum of law, and all the prior pleadings and proceedings heretofore had herein, Defendant JPMorgan Chase Bank, N.A., will move this Court before the Honorable Alison J. Nathan, United States District Judge, at the United States Courthouse, 40 Foley Square, Courtroom 906, New York, New York 10007, for an order and judgment, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing the above-captioned action on the grounds that the claims asserted in the Complaint fail to state a claim upon which relief can be granted, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Civil Rule 6.1(b), Plaintiff's answering affidavits and opposing memorandum must be served upon the undersigned Defendant's counsel within fourteen (14) days after service of the moving papers.

Dated: May 3, 2013

**JPMORGAN CHASE LEGAL AND  
COMPLIANCE DEPARTMENT**

By:

  
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